

**United States District Court
for the
District of New Hampshire**

Petition for Summons for Offender Under Supervision

Name of Offender: Kurt Sanborn

Case Number: 08-CR-128-001-PB

Name of Sentencing Judicial Officer: Honorable Paul J. Barbadoro

Date of Original Sentence: November 19, 2009

Original Offense: Wire Fraud, in violation of 18 U.S.C. § 1344

Original Sentence: 30 months of imprisonment; 3 years of supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: March 1, 2012

Asst. U.S. Attorney: Robert M. Kinsella, Esq.

Defense Attorney: Mark Howard, Esq.

PETITIONING THE COURT

To issue a warrant
 To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation No:</u>	<u>Condition:</u>	<u>Nature of Noncompliance:</u>
1	VIOLATION OF MC: The defendant shall not commit another Federal, state, or local crime.	On June 4, 2014, Sanborn did commit the offense of Violation of Trespass Order, in violation of the RI §11-44-26, as evidenced by his conviction in 3 rd District Court, Kent County, RI.

RECOMMENDATION AND JUSTIFICATION

The undersigned is recommending that a [X] warrant / [] summons be issued based on the following:

Warrant

Recent Criminal Activity
 Prior Crimes of Violence
 Prior Failure to Appear
 Severe Substance Abuse Addiction
 Prior Failure of Community Supervision
 Danger to Community
 Risk of Flight
 Other (Described below)

The defendant is presently in custody and awaiting sentencing on February 3, 2015.

Summons

No Risk of Flight
 No Danger to Community
 Stable Residence
 Stable Employment
 No Substance Abuse
 Other (Described below)

PREVIOUS NONCOMPLIANCE

None

OFFICER'S ASSESSMENT

Sanborn was released from custody to supervision on March 1, 2012 to commence his term of supervised release. He was supervised by the District of Massachusetts on a courtesy basis until jurisdiction was transferred to that District on May 16, 2012.

On June 5, 2014, this officer was informed by D/MA USPO Gina Affsa that Sanborn was arrested in the District of Rhode Island on June 4, 2014 for charges of Violation of Protection order (misdemeanor) and Domestic Stalking (felony). According to the police reports that were filed in relation to the arrest, on May 19, 2014, Mary Wharton informed the East Greenwich (RI) Police Department (EGPD) that, despite the termination of their romantic relationship in November 2013, Sanborn had repeatedly shown up at her residence and had entered her home without her permission. Specifically, she alleged that Sanborn recently had the locks at her residence changed by a locksmith without her permission.

According to the report, on May 19, 2014, Officer Christopher Rafferty of the EGPD contacted Sanborn by telephone and questioned him with respect to the allegations made by Wharton regarding his changing of the locks at her residence. He stated that Wharton gave her consent to change the locks. This notwithstanding, he was instructed to stay away from the residence and to not enter it without her permission. On May 20, 2014, Sanborn contacted Officer Rafferty and expressed his displeasure regarding Wharton's allegations. During the conversation, Officer Rafferty again instructed him not to go to Wharton's residence and advised him that, in the event he needed to collect his personal items at the residence, he should be accompanied by a police officer. According to D/MA USPO Affsa, Sanborn failed to report his contact with Officer Rafferty to her.

The report reveals that, on May 23, 2014, Wharton informed the EGPD that she observed Sanborn in her driveway on the morning of May 29, 2014, which prompted her to request a restraining order. A Temporary Order of Protection was subsequently issued later that day by the District Court of Kent County in Rhode Island under docket no. 14-3DA-0123. According to her affidavit in support of the protective order, Wharton alleged that Sanborn remotely accessed her cell phone; called her friends and told them that they were married and that have children together; accessed her bank account which caused a freeze to be placed on that account; threatened to sue her and take away her home and her professional license; and had people show up at her workplace to try and convince her to reconcile their relationship. On that same day, an officer with the Attleboro (MA) Police Department (APD) served the order to Sanborn at his residence. According to D/MA USPO Affsa, Sanborn failed to report his contact with the APD to her.

The report further indicates that, on June 4, 2014, Wharton informed the EGPD that she observed Sanborn in the parking lot of her office located at 1050 Main Street. EGPD Detective Kerrie Mazur responded to the address and observed Sanborn's vehicle parked nearby. Wharton informed Detective Mazur that she was leaving her office. Shortly thereafter, Detective Mazur observed Wharton exit her parking lot in her vehicle. Contemporaneous with Wharton's exit, Sanborn was observed quickly descending the stairs that

led from Wharton's office. He was then observed entering his vehicle and driving in the same direction as Whartons' vehicle. Thereafter, Sanborn's vehicle was then observed driving on Spring Valley, which is the street where Wharton resides. His vehicle stopped one house short of Wharton's residence before it turned around and left the vicinity. Moments later, the vehicle was stopped and Sanborn was placed under arrest.

On July 15, 2014, this Court accepted the return of jurisdiction from the District of Massachusetts in light of the fact that Sanborn had a new pending charge in this Court and the supervised release violation conduct that is alleged herein.

On October 22, 2014, the defendant pled nolo contendere to Violation of Trespass Order in the 3rd District Court, Kent County, RI, under docket no. 32-2014-05459 and was sentenced to a one-year term of probation that included a no contact order with respect to Wharton and her children. The second charge of Violation of Protective Order was dismissed.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Reviewed by:

/s/ Christopher H. Pingree

Christopher H. Pingree
Supervising U.S. Probation Officer
Date: January 22, 2015

Respectfully submitted:

/s/ Sean P. Buckley

Sean P. Buckley
Senior U.S. Probation Officer
Date: January 22, 2015

THE COURT ORDERS

- No Action
- The Issuance of a Warrant ~~Max Sealed Pending Arrest~~
- The Issuance of a Summons
- Other



Andrea K. Johnstone
United States Magistrate Judge

Date: January 22, 2015